ministry of
environment

A NEW APPROACH TO ANGLING GUIDE MANAGEMENT

A DISCUSSION PAPER FROM THE RECREATIONAL FISHERIES BRANCH

BC MINISTRY OF ENVIRONMENT

A NEW APPROACH TO ANGLING GUIDE MANAGEMENT

A DISCUSSION PAPER
FROM THE
RECREATIONAL FISHERIES BRANCH

BRITISH COLUMBIA MINISTRY OF
ENVIRONMENT

December, 1988

89-01786/

THE PURPOSE OF THIS PAPER

This is a review of angling guiding and wilderness fishing on B.C. steelhead rivers. It was prepared by the Task Force on Guided Angling.

The paper includes proposals for changes in the legislation, policy and administration that affect angling guides and quality fishing rivers. They include better regulation of guides, better planning and enforcement systems, and future restrictions on the activity of non-guided, non Canadian anglers.

These proposals form part of the Ministry's new angling guide policy. Its goals are

- o A balance of high quality fishing opportunities for B.C. residents (non-guided anglers) and angling guides.
- o Better management of the angling guide industry.
- o Diligent use of fishing opportunities allocated to angling guides.

The recommendations are directed at river fisheries, but their principles should eventually extend to other areas in the Province. Not many of B.C.'s 3000 rivers will be affected by these changes. As few as 40 or 50 need the special considerations suggested here.

The Ministry is asking for input from concerned groups and individuals before it makes recommendations for new legislation. The task force asks for your comments on its proposals no later than February 15, 1989, when the final review of the changes will begin. Please put your comments on paper. They can be delivered to the nearest Ministry office or mailed to

Ministry of Environment
Recreational Fisheries Branch
780 Blanshard Street
Victoria, B.C. V8V 1X5

If you would like to discuss the changes before sending your comments, you can call the following Ministry staff members:

Art Tautz
(604) 660-1812

Cindy Brown
(604) 387-9676

TABLE OF CONTENTS

BACKGROUND

Why This Paper Became Necessary.....1

Who Has Jurisdiction Over the Fisheries?.....2

The U.S. Experience 2

The B.C. Experience 3

ISSUES AND PROPOSALS

1. Classifying Steelhead Rivers 5

2. Angling Use Plans for Class 1 and 2 Rivers.....7

3. Restricting Non-Guided, Non-Canadian anglers 8

4. Allocating Quotas to Guides Who Are Already Licenced 9

5. Applications for New Quotas.....11

6. Guide Operating Plans.....12

7. Angling Guide Qualifications.....14

8. The Formation of A River Angling Guide Association.....16

9. Definition of Angling Guide.....16

10. Licence Tenure.....19

11. Fees and Royalties.....20

12. Enforcement and Penalties.....22

BACKGROUND

WHY THIS PAPER BECAME NECESSARY

Over the last ten years, B.C.'s angling guide industry has changed rapidly. More and more anglers from outside Canada want to enjoy the variety of fishing British Columbia has to offer. The demand for guiding and related services, especially on the limited number of high quality streams, is growing quickly.

Some of these rivers can bring the Province an annual revenue of a million dollars or more. These "million dollar fisheries" offer a wilderness experience, uncrowded fishing, high catch rates and large or wild fish. Good service, sociable fellow anglers and pleasant accommodation contribute to the quality of the experience.

The guides and the B.C. residents who share this fishing usually coexisted peacefully. Today, however, the situation is deteriorating rapidly as competition for space increases. It is ironic that excessive use of the water destroys the qualities that attracted guides and residents in the first place.

Although definitions of quality angling vary, we need a working definition to develop policies and set priorities. We have settled on the following: A quality steelhead fishery is one that is held in high esteem by B.C. residents, attracts non-Canadians, and can support commercial enterprises. The purpose of the proposed guide policy is to develop these fisheries in a way that best benefits B.C. residents.

There is general agreement among user groups about the need to preserve quality fishing by controlling its use. Regulating guides and visitors can benefit both angling-related businesses and the B.C. residents who use the fishery. The changes may be difficult, but worthwhile in the long run.

A Special Fisheries policy was tested on the Dean River fishery near Bella Coola in 1987 and 1988. The proposed Angling Guide Policy extends these principles to a greater variety of fisheries and particularly to the regulation of the guide industry.

The task force decided to focus on river fishing for steelhead and salmon, one of the fastest growing segments of the sport fishing market. It includes big fish, wilderness settings, and white water excitement --all features of "adventure tourism." The problems associated with steelhead fishing make it an area of immediate concern. Many of our findings will apply to other fisheries.

For purposes of this discussion, anglers will be divided into three categories:

- o B.C. residents (anglers who live in B.C.)
- o Other Canadians (anglers who live elsewhere in Canada, plus Canadian citizens living outside Canada)
- o Non-Canadians (who live outside Canada)

WHO HAS JURISDICTION OVER THE FISHERIES?

Fish in non-tidal waters belong to the Province because they are derived from B.C. land. It can therefore regulate access to inland fisheries the way it regulates access to wildlife and other natural resources.

The responsibility for conservation of fish in both tidal and non-tidal water lies with the federal government. British Columbia manages freshwater fish, including steelhead, char and sea-run cutthroat trout, under an agreement with the federal government.

To sum up: where conservation is involved, the federal Act and principles prevail. In non-tidal waters, access is a provincial responsibility.

THE U.S. EXPERIENCE

The United States' experience with river rafting regulation provides some useful insight.

The problems they encountered were almost the same as those we face here with angling guides: a great increase in wilderness recreation, commercialization of guide outfitting industries, and the deterioration of many areas due to overuse. As one researcher reported in 1987, "People discovered that the very qualities they sought in the wilderness were disappearing rapidly."

The "painfully obvious need to regulate use" brought its own set of problems. Government fisheries managers had to determine the capacity of each river, then work out a "fair and equitable" distribution among commercial and non-commercial users. Because they were limited in number, and could be sold, commercial permits rose in value. Speculators sometimes paid high prices for businesses that consisted of little more than permits. Non-guided users were upset because guides bought and sold access to rivers--a public "right"--when they sold their businesses.

Managers responded in 1979 with a bid-and-prospectus system. In the prospectus the commercial user had to define the type of operation he would provide, describe his company's experience and financial resources, and state how much he would be willing to pay for the permit. The permits were to be good for three years; then they would go out to bid again.

This approach solved the problems of the old permit system, and allowed government to recover more "economic rent," but the guides were united in opposing it. Established guides who had never experienced regulation of any sort were opposed on general principles; new operators with high initial investments at risk were equally upset. A National Task Force was set up to produce a policy that would address the concerns of all parties. In February, 1984, it published its recommendations:

- the licence term should be longer (5 years)

- guide performance should be evaluated annually

- preference for reissued permits should be given to existing guides with "acceptable" ratings

- permits should be transferrable to qualified candidates who buy guiding businesses

- unused permits should be withdrawn

- a bid-and-prospectus system should be used by the government when new guiding opportunities are offered

- the government should charge guiding businesses a fee of 3% of gross revenue

THE BRITISH COLUMBIA EXPERIENCE

Fishing is important to B.C. for recreation and tourism. Last year nearly 400,000 licenced anglers fished in B.C. fresh water. Many used the high quality fishing for which the province is renowned. In 1985, anglers spent over $300 million on freshwater sport fishing, and provided $35 million in provincial tax revenues. The industry has also created over 5000 person-years of employment -- particularly important in remote areas.

Compared to the U.S., B.C. has kept its wilderness fishing relatively intact. We still have some options for managing and developing it. Time, however, is running out. Few good fishing areas remain undiscovered. Over the next 10 years, most options for active management will vanish.

The Special Fisheries policy tested on the Dean River is aimed at a small number of very valuable fisheries, where both commercial interests and B.C. residents can benefit from more active management. The proposed new Angling Guide Policy, on the other hand, addresses some of the same issues on all steelhead rivers.

The legislation and policies that now deal with guiding and transporting anglers are inadequate. They evolved under the Wildlife Act, primarily for hunters, and were later adapted to fishing guides. B.C. residents, the guide industry and enforcement staff are all dissatisfied with them.

Sport fishing in B.C. was examined in a recent study for the Ministry of Tourism. Among other things it recommends that the Ministry of Environment should

- rigorously protect the highest quality fishing experience locations in B.C.
- ensure that certain fish species of interest to the international recreation market be protected.
- stabilize areas that are not world class but which nevertheless offer quality sport fishing experiences.
- create plans for undeveloped areas that have sport fishing potential.
- address land use encroachment issues related to freshwater areas.
- consider controlling the number of operators in a given location.
- consider the interests of local and other B.C.-resident anglers when implementing a management program.

In many ways, these recommendations echo the objectives of the guiding review. The problem, then, is not defining the goal, but setting up the legal and administrative means to reach it.

ISSUES AND PROPOSALS:

1. CLASSIFYING STEELHEAD RIVERS

B.C.'s steelhead rivers vary greatly. We need to classify them for planning purposes. The task force believes that priority for intensive management should be given to waters where it will

- o maintain the natural character of the system.
- o preserve a fair percentage of fishing opportunities for B.C. residents.
- o maintain or enhance desirable economic activity.
- o protect legitimate guides from illegal or excessive use of the fishery by non-guided non-Canadians.

The task force proposes

--that all steelhead rivers in the province be classified according to the degree of regulation they require. The classes should specify the control to be exercised over the amount and type of use (guided, non-guided, B.C resident, non-B.C.resident).

--that a preliminary classification for every steelhead river in the province should be established by the Ministry before April 1, 1989 and circulated to angling guides and the interested public for comment.

--that the following classifications be used:

CLASS 1 (Special Fisheries): The level of guided and non-guided use would be restricted. B.C. residents would be the last group to be restricted.

Class 1 waters contain extremely valuable wilderness fishing opportunities where both guided and non-guided use (including use by B.C. residents) should be controlled. The regulation would specify the level of use in each case. We expect no more than 10 rivers to be designated Class 1.

Class 1 rivers require comprehensive plans and considerable control. Commercial activity would be carefully integrated to preserve the natural character of the river. Intensive interagency planning is probably needed.

It would be years before fishing on Class 1 rivers is restricted for B.C. residents, but planning should start now. There may be opposition to begin with. In other jurisdictions, opposition has often turned to enthusiasm when the benefits become obvious.

CLASS 2 (Restricted Fisheries): The level of guided use, and of non-Canadian, non-guided use, would be restricted. B.C. residents would not be restricted.

These are rivers with high natural values that could be significantly reduced by unrestricted guiding. B.C.-resident anglers would not be restricted. Use by guides and non-Canadians would be controlled as each river requires.

From a commercial perspective, Class 2 rivers are less desirable than Class 1 because use of the river by B.C. residents would gradually build. This should be clearly understood in the early planning stages so that guiding operations can be developed appropriately.

It is not necessary for all river systems in the province to have guides, just because they have commercial potential. The Class 2 designation could be used to establish some No Guiding rivers as part of an overall plan for the region or province.

CLASS 3 (Unrestricted Fisheries): There would be no restrictions on these rivers.

Here, the quality of guided fishing and fishing by B.C. residents does not depend on wilderness or uncrowded conditions. Fishing would not be controlled on Class 3 rivers, because the intent is to regulate only rivers for which the benefits of control are obvious.

CLASS 4 (Other rivers): These are rivers for which no classification decision has been made.

Rivers not designated Class 1, 2, or 3 would become Class 4. Typically, these rivers are not used much and are unrestricted, and little is known about them. They may have potential for guiding, but may not be used enough to warrant management attention yet. When use increases and more information is available, they would be reclassified.

Who should participate in the classification process?

The task force proposes

--that classifications be made by regional fisheries biologists and reviewed by regional managers and or a ministry committee.

The regional manager may given considerable latitude in classifying rivers, but should follow a conservative approach. Rivers on which significant capital investments have been made should probably be given Class 2 status. New licences or allocations should not be issued on Class 1 or 2 rivers without following the procedures discussed below under Applications for New Quotas.

Who should review the Ministry's decisions?

Although the Ministry is ultimately responsible for classification decisions, there must be a process for reviewing and refining the classes. User groups should participate.

The task force proposes

--that an advisory committee representing a cross-section of user groups be established by the Director of the Recreational Fisheries Program to review disputes over classifications. The membership of the committee need not be constant and could be altered to deal with any specific problem.

2. ANGLING USE PLANS FOR CLASS 1 AND 2 RIVERS

Every Class 1 or 2 river needs an Angling Use Plan that specifies acceptable levels of use and the allocation of use among guided and non-guided anglers. Plans must reflect significant input from interested local people.

The task force proposes

--that for each Class 1 or Class 2 river, the Ministry prepare an Angling Use Plan specifying acceptable levels of use, and make the plan available to the public for comment.

Developing these plans would be a key management function. They should state the river's estimated capacity in rod days, with seasonal variations; the start and end of the season; the maximum number of guided rod days; the maximum number of guides; and, for Class 1 waters, the maximum number of non-guided rod days. For Class 2 waters, the desirable level of non-guided rod days should also be estimated for the purpose of restricting use by non-guided, non-Canadians.

Decisions about the level of commercial use would depend more on historical and local factors. The tendency should be conservative --leaning toward less use of the resource. It is in the guides' interest to restrict use to a level at which the quality of fishing is maintained, and it is always in the interest of B.C's resident anglers to minimize guided activity.

Given the variety of opinions about acceptable use of the rivers, use plans may be difficult to establish. However, analysis of the total amount of fishing water is primarily a technical matter. The analysis should include comparisons with similar rivers.

The process in many respects would simply formalize an existing process.

In the case of disputes, final decisions would be made by the regional manager on the advice of his staff.

3. RESTRICTING NON-GUIDED, NON-CANADIAN ANGLERS

On Class 1 and 2 rivers, non-guided anglers who are not B.C. residents generally contribute less to the Province than guided anglers or anglers who are B.C. residents. In some cases, both guides and B.C. residents are negatively affected by these visitors. If the rivers are being used to capacity, the fishing opportunities used by non-Canadians would be put to better use by guides, who could give the Province more revenue, or by residents, for their own enjoyment.

If there is no control over the number of non-Canadians on restricted rivers, the incentives for illegal guiding will remain. Enforcement will continue to be extremely difficult.

The task force proposes:

--that beginning in 1990 all non-Canadians require a seven day licence to fish Class 1 or Class 2 rivers. Each licence would apply to a specific river. No more than one seven-day licence would be issued to any angler for any Class 1 stream. No more than four seven-day licences would be issued to any person in a calendar year.

--that any further restrictions that become necessary would be placed first on 'Non-Canadian' category, then on anglers in the 'Other Canadians' category.

These restrictions are more severe than those used in neighbouring states and provinces. However, the few rivers involved are much

smaller and more sensitive to overuse than steelhead rivers outside B.C. This move is supported by some non-B.C. residents, who prefer limited use of the rivers to no use at all.

What will the effects be?

These changes would not immediately control illegal guiding or crowding, because they would not come into effect until 1990. However, they would have some immediate effects:

First, the potential for further restrictions on the numbers of anglers removes an incentive for creating new illegal operations. The additional licence fees and the seven-day licence period may also reduce the number of anglers.

The licence would also provide for better enforcement by including certain conditions. For example: if non-B.C. residents are paying for guiding services, they must use licenced guides. Data from the seven-day licence would be of value for monitoring use patterns.
Still, the impact of these restrictions is difficult to predict. They should be reviewed after an appropriate period.

The task force therefore proposes

--that after 1991, the seven-day licence scheme for non-guided non-B.C. residents be reviewed. If it is not satisfactory, additional measures such as reservations or lotteries should be considered.

4. ALLOCATING QUOTAS TO GUIDES WHO ARE ALREADY LICENCED

The Angling Use Plan will establish river capacity and the desirable level of commercial use. That commercial use must then be allocated among the angling guides.

Guides who are already licenced on Class 1 and Class 2 rivers should receive client quotas before any new applications for quotas are considered by the Ministry. They should be given the opportunity to negotiate quotas among themselves within the capacity set for the river.

Negotiations should be easy where there is more than enough commercial capacity. They could be more difficult on Class 2 rivers that are overworked. If no agreement is reached, allocations should be set by the Ministry.

The task force proposes

--that the Ministry test the concept of negotiated Angler Use Plans and Guide Operating Plans on a few rivers where problems have been observed.

What if guides fail to reach agreement on quotas?

Guides have a number of incentives for reaching agreement themselves. These include more stable guide operations, the possibility of restrictions on non-B.C. residents, and higher value for their licences.

But if they cannot reach agreement, the Ministry should have the authority to protect B.C. residents' opportunities to fish by imposing its own solution. Where use by B.C. residents is not affected, the Ministry could consider reclassifying the river to Class 3.

Some things would be essential to the negotiation process. All licenced guides and appropriate Ministry staff would have to participate. Each guide must set forth a proposal that states the current level of use and any plans for expansion. The proposals would be compared with the Ministry's targets for commercial use to determine which of the following paths would be followed:

a. If current and planned commercial use is below the capacity of the river, the plans would be approved for a five-year period.

b. If current use exceeds the Ministry's limit, the guides would have the opportunity to reallocate available quotas among themselves, within the limit.

   If the guides are unable to reach agreement, the Ministry should be empowered to freeze use at the historical level. To find this level, the Ministry would look at use figures for 1986, 1987 and 1988 and select the two years of highest use. Use would be frozen at the average level of these two years. Allowance would be made for previous years' bookings.

c. If current use is below the limit, and the guides' plans would take it beyond the limit, the guides would negotiate. If they reach agreement on shared expansion, they could be assigned their requested increases. If they do not reach agreement, the difference between historical levels and the Ministry's limit would be put up for bid following the procedures for new opportunities.

The task force proposes

--that if quota allocations cannot be negotiated, the regional manager should be authorized to prevent expansion of use beyond verifiable existing levels, or to refuse to transfer part of a guide's allocation if the river is above established capacity, or both.

Guides would be charged for the quotas stated in their operating plans, whether the quotas are fully used or not. This should discourage speculative expansion plans. Finally, if the operating expectations are not met during the five-year licence period, the operating plan would be renegotiated and the allocation removed.

5. APPLICATIONS FOR NEW QUOTAS

New guides can obtain access to a Class 1 or Class 2 river in two ways. One way is to purchase an existing operation --a normal business transaction, except for a transfer fee paid to the Ministry (see The Licence Tenure System). The other way is to apply for unused capacity on the river. This is more complicated, because there are considerations of fairness to existing guides or to other guide candidates.

Therefore, the task force proposes

--that applications for quotas on Class 1 or Class 2 waters be put out for tender by public notice, and that a bid-and-prospectus system be used for awarding quotas.

--that if a new or licenced guide applies for unused capacity, the process be as follows:

- Public notice would made to inform all qualified guides of any application on Class 1 or Class 2 waters. (Applications for Class 3 or Class 4 waters would not be advertised.) Licenced guides would have 60 days to comment on the proposed increase in use and its impact on their operations. Guides that object to the application would be required to explain to the Ministry's regional manager how the proposal would damage their operations. If the objection is upheld, the application would be refused and the commercial capacity target figures for the river updated.

- If the application is not successfully challenged, the applicant, or any qualified guide, would be allowed to submit a proposal in the form of an operating plan and bid within 90 days of being notified.

- Proposals would be evaluated according to pre-set criteria, including bid price, contribution to fishery management objectives, and the guide's experience and knowledge of the river. Client quotas would be assigned to the successful bidder for the price stated in the proposal.

The bidding process accomplishes a number of things. It allows the market to determine the value of guided fishing opportunities and allows the Crown to realize some economic rent. It also provides a fair chance for guides who may be expanding to compete for limited opportunities.

6. GUIDE OPERATING PLANS

The Angling Use Plan should specify limits of use for a Class 1 or 2 river. The Guide Operating Plan, a component of this overall Use Plan, should include the allocation for each guide.

The Guide Operating Plan would be used in conjunction with annual guide reports and a government audit to enforce quotas, monitor use of the fisheries, and collect revenue. This procedure is used in the allocation of other Crown resources such as forests, lands, and parks.
The operating plan should be in a standard format and approved by the Regional Manager before the guide licence is issued.

The task force therefore proposes

--that all angling guides be required to develop and annually maintain an Angling Guide Operating Plan that specifies

- **the projected number of guided rod days and clients on each river.**

- **the distribution of rod days over the season in weekly blocks.**

- **the number of assistant guides.**

- **the appraised value of all boats, planes or other vehicles used for the transportation of anglers.**

- **a general description of the service provided.**

- **accommodation facilities and their appraised value.**

o third party agreements that may directly or indirectly affect the transfer of an angling guide licence on a Class 1 or Class 2 river.

o Crown land lease arrangements.

o specific arrangements to comply with Waste Management or other requirements.

Annual Guide Report

An annual guide report is needed to ensure that the operation corresponds to the operating plan.

The task force therefore proposes

--that annual reporting of angling guide activity be continued.
--that for Class 1 and Class 2 waters, guide reports and the records of seven-day licences serve as the means for assuring diligent use of the licence.
--that the licence be subject to cancellation or renegotiation for failure to comply with the operating plan.

7. ANGLING GUIDE QUALIFICATIONS

Under the current arrangement, "angling guide" could refer to anyone from a highly experienced professional operating a full-time business to someone whose only identifiable attribute as a guide is meeting citizenship and liability qualifications.

The Ministry has three areas of concern about qualifications: citizenship, liability insurance and safety training. Quality of service is also of concern, but in the Ministry's view is more a matter for the market and the industry to deal with.

The task force proposes

--that, as minimum qualifications, each angling guide or assistant angling guide be required

- **to be 19 years of age or older.**
- **to be a Canadian citizen or have the status of a permanent resident of Canada.**
- **to have successfully completed, within the last three years, an industrial First Aid course or a Wilderness First Aid course, and hold at least a current St. John's Ambulance Standard first aid and CPR certificate.**
- **to have at least $1,000,000.00 of public liability insurance coverage.**

What about safety qualifications?

Safety in guiding is mainly a matter of transportation. There is a much greater risk in taking clients through white water on rafts, jet boats or drift boats than there is in driving them to a river bank. The guide licencing system should differentiate between transportation methods.

The task force proposes

--that the angling guide and assistant angling guide licences be modified to include a stamp or endorsement for whitewater transportation, signifying that adequate training or experience has been achieved.

This endorsement would have to be phased in over a period of years, and could be co-ordinated with a training program. However, the

certification of angling guides operating on white water should be completed no later than 1991.

The task force proposes

--that in addition to meeting the minimum qualifications, new applicants for a white water endorsement be required

- o to have completed at least one season's activity as an assistant guide or the equivalent within the previous three years.
- o to present a letter from a guide who has a white water endorsement indicating that the applicant's white water performance was satisfactory.
- o to pass any proficiency tests prescribed by the Ministry.

The task force proposes

--that applicants for renewal of a white water endorsement be required

- o to have passed, within the previous five years, any proficiency tests prescribed by the Ministry.

Guides should be responsible for training and supervising assistant guides.

The task force proposes

--that assistant angling guide licences only be valid when endorsed by the angling guide. In endorsing the licence, the guide assumes responsibility for training and supervising the assistant.

8. THE FORMATION OF A RIVER ANGLING GUIDE ASSOCIATION

A professional association of river angling guides could be of real assistance to the government in its management of the industry. The Ministry does not see its function as day to day regulation; a recognized body that could provide guidance and direction would be desirable.

To make effective recommendations, a guide association would have to understand what is being done in the overall management of fisheries. Discussions with the Steelhead Society and the British Columbia Wildlife Federation would provide this understanding.

There are obstacles to forming this association --problems with geography, differences between lake and river guides, past attempts that have failed, and conflicts with existing organizations. But to encourage the formation of a more cohesive voice for the river angling industry,

the task force proposes

--that the fisheries program encourage an annual meeting with licenced angling guides as a forum for exchanging information and making recommendations.

9. DEFINITION OF ANGLING GUIDE

Guiding and transportation.

Under the Wildlife Act (1982), a guide is defined as "a person who, for compensation or reward, received or promised, accompanies and assists another person to hunt wildlife or angle for fish."

In hunting, this definition has lead to the appearance of unregulated "packers" or transporters --individuals who do not both accompany and assist the hunter or angler, and who cater to British Columbia residents.

Licenced guide outfitters tend to view packers as illegal guides; packers argue that they are only transporting, and that they fill the needs of a different market --hunters who are B.C. residents. In practice, the two activities are best distinguished by where the clients live.

Non-B.C. residents do not have to be guided to go fishing. That is why a legally enforceable definition of an angling guide is a necessity for any regulatory scheme. If people can circumvent regulations simply by claiming that they are only transporting clients, the situation is clearly unmanageable.

The simplest solution to the problem, supported by the industry and B.C. residents alike, would be to require all non-Canadians fishing on Class 1 and Class 2 rivers to have a licenced guide. However, this would be a drastic action, unnecessary on many rivers. The use of a seven-day licence combined with an improved definition of an angling guide is a middle-of-the-road alternative.

Defining an angling guide is a long standing problem. It is made more difficult by the fact that there is a legitimate market for inexpensive transportation to some fishing areas. Allowing for such a service, however, leaves the door open wide to illegal guiding. Since history suggests that enforcement is difficult in this situation,

the task force proposes

--that the definition of an angling guide be altered to include any person who, for compensation or reward, received or promised, assists anglers to fish or, for the purpose of angling, transports anglers on or near rivers or lakes.

This definition would include boat operations of all types, float planes, heli-fishing, and off-road vehicles if driven by the guide. It would not include any commercial carriers, vehicles driven on any road system, or boats or off-road vehicles driven by the angler.

Fishing camp operators.

An angling guide licence would not be required to run a fishing camp or fishing lodge if its sole purpose is to supply accommodation, boat rentals, and related services. However, if the lodge operator accompanies clients in a boat or assists them to fish, as part of his service, an angling guide licence would be necessary.

This definition of an angling guide eliminates some options for regulating commercial resort developments in areas such as northern wilderness lakes. This presents a problem. Many of the complaints about overuse are coming from fishing camp operators or guides in areas like these. Therefore, to provide the necessary management flexibility,

the task force proposes

--that legislation be prepared that provides for licencing fishing camp operators.

Fishing clubs or groups.

The formation of a fishing club represents a potential abuse of the definition of guiding. Fishing clubs operating with salaried

employees could conceivably function as guiding operations, offering guiding services only to members. There is nothing illegal about camps with communal equipment that is used by members during fishing season. But if the club provides a person who serves as a guide, a problem clearly exists.

The task force proposes

--that a person who is a member of a group, corporation, or club formed to solicit participation from the general public, and who provides guiding or transportation services beyond equal sharing of expenses, be required to hold an angling guide licence.

The Ministry has established fees and royalties (see below) under the assumption that the guide is operating a business for the general public. However, there may be instances where an angling guide operation could evolve into a private club with the guide operating as manager under a third-party agreement.

If client quotas were restricted to members of a corporation or private club, the market value of guided trips would not be realized, and revenues to the Province would be reduced. And it is not the intent of the new policy that quotas be controlled by any group.
To prevent such a situation

the task force proposes

--that the following condition be added to all angling guide licences:

> **An angling guide operating on Class 1 and Class 2 waters will provide guiding services to the general public in the manner of a business and not in the manner of a private club.**

Relatively standard industry procedures, including the development of waiting lists, can be used to ensure compliance with this regulation.

10. LICENCE TENURE

The term of tenure.

At present, the angling guide licence is issued annually, but its term can easily be extended. A longer term would simplify administration and provide greater stability for the guide.

The task force proposes

--that guides be given the option of extending the term of their licences to five years, and that over the first five-year period of the new regulation, all annual licences be converted to five-year terms.

The licence term should be arranged to coincide with land tenures and other related agreements, and to stagger renewals over the five-year period. This would give the Ministry more time for a detailed review and updating of guide operating plans.

Licence transfers.

Transfer provisions as currently defined in the Wildlife Act allow angling guide licences to be transferred only to another qualified licenced guide approved by the Ministry. On restricted rivers, client quotas and business assets must be sold as a single package as defined in the guide operating plan, unless a specific exemption is provided by the Ministry. However, these operations derive considerable value from the use of the Crown's resource. Some of the proceeds of the sale should therefore be returned to British Columbia.

The task force proposes

--that the sale of any angling guide operation on Class 1 or Class 2 rivers be subject to a 10 percent transfer fee, calculated as a percentage of the sale price.

Preventing a trade in licences.

It is not desirable for a trade in angling guide licences to be established in which the only commodity bought and sold is the licence itself.

The task force proposes

--that the sale of any angling guide licence on Class 1 or Class 2 rivers be required to include both the transfer of assets and private or leased Crown land used in the operation of the business. The sale price of the transferred assets should exceed a minimum figure to be established by the Ministry. If a licence sale were not to include these two conditions, the licence and any associated quotas should be relinquished to the Crown.

11. FEES AND ROYALTIES

The guide policy will have financial effects on government, guides and residents. The fee structure is designed to ensure that the government receives adequate revenue for the use of the resource, and that the costs are distributed appropriately among the user groups.

The government's increased administrative costs for issuing angling and guide licences, setting capacity use levels, reviewing guide operating plans, monitoring and enforcing commercial activity limits, and other activities should be covered by licence fees. Fees should also be high enough to discourage applicants who are not serious.

Guide Licence Fees

The Crown should receive adequate compensation when a portion of the resource is allocated to commercial users. This amount is ideally tied to market value, but should be balanced with the need for an adequate return on investment.

Therefore, the task force proposes

--that the fee structure be amended as follows:

- **The fee for a five-year angling guide licence for Class 1 and Class 2 rivers should be $500 per year, plus an annual royalty of 2 percent of gross revenue, minus seven-day licence costs.**

For royalty purposes, gross revenue should probably be calculated by multiplying the number of permits issued to the guide times the weekly market value of the trip.

- **A flat fee of $500 per year be charged for angling guide licences on Class 3 and Class 4 rivers.**

o A flat fee of $100 per year be charged for assistant angling guide licences on all river classes.

--that licences be subject to automatic cancellation for failure to meet the terms and conditions attached to the licence.

Angling licence fees.

Guided and non-guided anglers fishing restricted waters should also pay fees.

The task force proposes

--that the following fee schedule apply (in addition to basic licences):

RESTRICTED FISHERIES ANGLING LICENSES

	B.C. Res.	Other Canadians	Non-Canadians
Non-guided anglers			
Class 1	$10	$25	$150/7 days
Class 2	N/C	$25	$75/7 days
Guided anglers			
Class 1	{ $150 per 7 days for all user groups }		
Class 2	{ $75 per 7 days for all user groups }		

The seven-day licence fee is designed as a charge to individual anglers fishing on restricted waters. Licences for guided anglers would be issued at monthly intervals to the guides. The guides would pay for the licences when they receive them, and recover the fees from their clients when they issue the licences.

12. ENFORCEMENT AND PENALTIES

Under current legislation, violations of the act bring relatively light penalties. It may be profitable for an illegal guide to pay the fines and keep operating. Better legislation is needed.

Therefore, the task force proposes

--that the fines for illegal guiding be reviewed and substantially increased.

--that the law provide for confiscation of equipment in the case of repeated offenses.

The need for a new enforcement plan.

There must be a concerted initial effort to enforce these changes, or resident anglers and legitimate guides will suffer. An enforcement presence dedicated to Class 1 and Class 2 waters is a critical part of better management. In planning this enforcement, it should be kept in mind that many of these fisheries overlap the hunting season.

Therefore, the task force proposes

--that the Ministry develop an enforcement plan that meets the specific requirements of Class 1 and Class 2 fisheries.